REPORT - PLANNING COMMISSION MEETING
October 9, 2003

Project Name and Number:	**Fremont Recycling & Transfer Station (PLN 2002-00270, PLN2002-00150, PLN2003-00270)**
Applicant:	BLT Enterprises of Fremont, Inc.
Proposal:	To consider a Conditional Use Permit and Environmental Impact Report (SCH# 2001122003) for Fremont Recycling & Transfer Station located in the Industrial Planning Area. A General Plan Amendment (text revisions) regarding the City of Fremont Waste Management System is also included. An Environmental Impact Report for the Revisions to the City of Fremont Waste Management System was prepared and circulated for this project.
Recommended Action:	Recommend certification of the Environmental Impact Report, approval of the Conditional Use Permit and the General Plan Amendment to the City Council, based on findings and subject to conditions.
Location:	41149 Boyce Road
Assessor Parcel Number:	531-0165-045
Area:	13.5 acres
Owner:	BLT Enterprises of Fremont, Inc.
Agent of Applicant:	Shawn Guttersen, Daniel Rosenthal
Consultant(s):	Environmental Consultant, David J. Powers, Associates (Michelle Yesney)
Environmental Review:	An Environmental Impact Report (EIR) was prepared for this project. The public review period for the Draft Environmental Impact Report (DEIR) began on May 15, 2003 and concluded on June 30, 3003. A public hearing for the DEIR was held on June 12, 2003 before the Planning Commission. The Final Environmental Impact Report, including Comments, Responses to Comments and Text Revisions, was released on September 17, 2003.
Existing General Plan:	General Industrial
Existing Zoning:	G-I General Industrial District and G-I (F) General Industrial with Flood Combining District
Existing Land Use:	Currently vacant, previously industrial uses

Public Hearing Notice: Public hearing notification is applicable. A total of 36 notices were mailed to owners and occupants of property within 1000 feet of the site on the following streets: Boyce Road, Eureka Drive, Stewart Avenue and Stevenson Boulevard. A total of 51 notices were also sent to agencies and individuals on the interested party list generated for this project. The notices to the owners and interested parties were mailed on September 26, 2003. A Public Hearing Notice was delivered to The Argus on September 22, 2003 to be published by September 25, 2003.

Executive Summary: The proposed project is to 1) have all of the City of Fremont's Municipal Solid Waste (MSW) taken to a Transfer Station and Materials Recovery Facility (TS/MRF) located at 41149 Boyce Road, instead of the Tri-Cities Recycling and Disposal Facility (TCRDF) landfill; 2) to divert approximately 12 percent of incoming material received at

the TS/MRF; 3) to have the remaining MSW transferred to one of two existing permitted sanitary landfills (Altamont or Forward); and to create a household hazardous waste turn-in facility that is easily available to residents and small quantity generators and is consistent with Best Management Practices for such a facility. The applicant is requesting approval of a Conditional Use Permit to operate a Transfer Station and Materials Recovery Facility.

The actions to be considered by the Planning Commission are 1) recommendation on certification of the Final EIR for Revisions to the City of Fremont Waste Management System, 2) recommendation on the Conditional Use Permit for the TS/MRF, and 3) recommendation on the General Plan Amendment (Text Amendment) regarding the City of Fremont Waste Management System. The City Council will then consider these actions, as well as make a determination on the location of the sanitary landfill to receive the Municipal Solid Waste.

The Planning Commission is recommending action on the Conditional Use Permit rather than taking action on the Conditional Use Permit because of the remaining items to be reviewed by the City Council. The Environmental Impact Report identifies impacts beyond the Conditional Use Permit that are within the purview of the City Council (for example, selection of a permitted landfill for solid waste disposal). The Planning Commission cannot therefore certify the EIR prior to action on the Conditional Use Permit. The Planning Commission cannot take action on the Conditional Use Permit without certifying the EIR. Therefore, the Planning Commission will make recommendations as noted above.

Background and Previous Actions: To protect the public health and well-being, the State of California requires local governmental agencies to make adequate provision for handling solid waste. Since the passage of AB 939 (Integrated Waste Management Act of 1989), that requirement has been expanded to require local governments in California to manage their solid waste programs more efficiently, in order to increase waste diversion in conformance with state-mandated goals and policies.

The Cities of Fremont, Union City and Newark presently have Municipal Solid Waste (MSW) collected and hauled in collection vehicles to the Tri-Cities Recycling and Disposal Facility (TCRDF), which is located at 7010 Auto Mall Parkway. TCRDF is a permitted sanitary landfill located in the City of Fremont. According to the operator of the TCRDF, the currently permitted capacity of that landfill will be reached in December 2004, and the facility will not be able to accept additional MSW unless and until the operator requests and receives permits from all of the appropriate regulatory agencies to expand the landfill's permitted capacity.

As noted above, AB 939 requires that the City divert 50 percent of municipal waste from landfills. Measure D, the Alameda County Source Reduction and Recycling Act of 1990, was passed by Alameda County voters in November 1989. This measure required the Alameda County Source Reduction and Recycling Board to establish a date by which to reduce, recycle, and compost at least 75 percent by weight of all waste generated within Alameda County. This date was set at 2010, and although this is not a requirement for the City of Fremont, in July of 1999, the City of Fremont voluntarily adopted a local goal of achieving a 55 percent diversion rate by 2002, and a 75 percent diversion rate by 2010. The City currently diverts approximately 62 percent of its MSW.

The proposed project is intended to assist the City in continuing to increase its diversion rate and to meet the 75 percent diversion goal, as well as to provide a location to transfer MSW to a permitted landfill.

In August 2000, the City of Fremont circulated a Draft EIR which evaluated a number of scenarios for future disposal of its waste. In November 2000, after responding to comments on the Draft EIR, the City published a Final EIR. On January 9, 2001, the City certified that EIR and adopted findings and a statement of overriding considerations. The City Council also awarded a long-term contract for recyclables diversion and transfer services to BLT Enterprises to build and operate a TS/MRF. The City Council selected 42335 Boscell Road as the preferred site for development of a transfer station/materials recovery facility.

Shortly after the EIR was certified and the project was approved, the City learned that the Boscell Road site might be unsuitable for the proposed project due to the presence on that site of previously unknown soil and groundwater contamination. In August of 2001, BLT contracted to acquire a different site for the proposed TS/MRF. Because this site was not evaluated in the previous EIR, the City revised the proposed project and prepared a new EIR to evaluate the

likely impacts from the presently proposed program for disposing of its municipal waste. The new EIR is a distinct and separate document.

Additional information about the background and the project description related to the Revisions to the City of Fremont Waste Management System is contained in pages 2-29 of the Draft Environmental Impact Report.

Project Description: There are a number of elements in the City of Fremont's solid waste management program. The City is proposing at this time to change the following: 1) to have all of the City's MSW taken to a transfer station and materials recovery facility (TS/MRF) to be located at 41149 Boyce Road, instead of the TCRDF landfill; 2) to divert approximately 12 percent of incoming material received at the TS/MRF facility; 3) to have the remaining MSW transferred to an existing sanitary landfill; and 4) to create a household hazardous waste turn-in facility that is easily available to residents and small quantity generators and is consistent with Best Management Practices for such a facility.

The objectives of the City of Fremont for the City's Waste Management System include the following:

- To manage the City's municipal solid waste in an efficient and cost effective manner consistent with the state requirement that the City make adequate provision for solid waste handling.
- To provide a minimum 20 year waste disposal capacity and/or service to the City of Fremont, and possibly to the Cities of Newark and Union City.
- To site a Transfer Station/Materials Recovery Facility that is operational as close as possible to the closure date of the Tri-City Recycling and Disposal Facility (landfill) to avoid disruption in the City's municipal solid waste collection and disposal system.
- To provide additional recycling processing capability to ensure Fremont's continued compliance with the state mandated 50 percent diversion goal and assist the City in meeting the City and County adopted goal of 75 percent diversion by 2010.
- To process commercial and industrial waste that is currently landfilled and divert approximately 12 percent of incoming material.
- To provide a state of the art facility that minimizes visual, odor, noise and litter impacts.
- To minimize haul distances for local collection trucks.
- To provide a convenient location for turning in household hazardous waste, including electronic waste.

The portion of the project related to the Conditional Use Permit is the Transfer Station and Materials Recovery Facility. The proposed project includes the development and operation of a facility that will accept all of the municipal solid waste currently generated within the City of Fremont (and possibly Union City and/or Newark), will separate some of the material for recycling, and will transfer the waste residue to long haul trucks.

In terms of the design of the facility, the existing 182,393 square foot building will be modified and renovated to house the proposed TS/MRF. The interior of the building will house the materials recovery and transfer station operations of the facility. Within the building there will also be the TS/MRF business offices and the educational center that is open to the public and provides information about the TS/MRF facility and operation. The building will also contain a household hazardous waste turn-in storage facility and a recyclables buy-back operation.

The proposed TS/MRF design includes a building addition. This 9,600 square foot building addition will be added to the westerly side of the building to accommodate vehicular maintenance, a wash bay, and employee service areas (such as a locker room and break area). The site plan illustrates the proposed parking layout, landscaping, and other on-site improvements. The existing rail spur which runs along the southerly property line will remain. To the rear of the existing building (on its western wall), a ramp will be constructed to below the existing floor level. The feature labeled "Proposed

Tunnel" within the building footprint will be the access point for the long haul transfer trucks into which the waste will be loaded. Another small ramp will be built adjacent to the proposed loading dock on the northerly side of the building for exterior loading of trucks that will haul recycled materials to off-site processing facilities.

The proposed TS/MRF will be sized to accept all of the MSW and recycled materials generated within the Tri-Cities. This includes the City of Fremont, the City of Newark and Union City. The City of Newark and Union City may choose to use this facility. The proposed TS/MRF may also receive recyclables from outside the Tri-Cities. It is presently estimated that the facility will process a daily average of approximately 1,520 tons when it opens in mid 2004. (Again, this assumes that material may be accepted from the City of Fremont, the City of Newark and Union City.) Because of seasonal fluctuations, a seasonal high average of 1,700 tons per day is estimated to occur on some days. It is also been estimated that on a few days each year, circumstances may combine to result in a substantial increase in waste tonnage received at the TS/MRF. These combined circumstances generally include (but may not be limited to) bad weather, holidays, heavy rainfall (which increases the weight of incoming materials), and delays in waste collection. These peak days, estimated to occur seven days per year maximum, could generate incoming materials of 1,800 tons per day. The traffic analysis assumed the 1,700 tons per day seasonal high average.

Project Analysis:

General Plan Conformance: The site is designated General Industrial. The proposed project is consistent with the existing General Plan land use designation because transfer stations are conditionally permissible uses; subject to conditional use permit approval. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

Objective PF 4.2	**Provision of a long-range solid waste disposal site.**
Policy PF 4.2.1:	Ensure that the City has an alternative solid waste disposal site when the Durham Road Landfill closes.

The proposed project is in conformance with the above goal and policy because the proposed use can be served by the existing or planned roadway infrastructure and would not have a significant adverse impact on existing industrial uses in regards to parking requirements, traffic volume and other conflicts in operations.

To provide the most accurate and up-to-date information in the General Plan Text, text amendments are recommended in Chapter 7 (Public Facilities) of the General Plan. Specifically, the Solid Waste Setting and Projections sections of this Chapter will be updated to reflect the most accurate information concerning the revisions to the City of Fremont Waste Management System. Modifications are also proposed for Objective PF 4.2 and Policy PF 4.2.1 to reflect the name of the Tri-Cities Recycling and Disposal Facility (TCRDF) and the description of the transfer facility. These Text Amendments are found as Exhibit C at the end of this report.

Zoning: The project site is zoned G-I and G-I(F) for General Industrial uses, with a floodplain overlay for the General Industrial District. Section 8-21603 (c) of the Fremont Municipal Code allows operation of a transfer station and materials recovery facility in the General Industrial Zoning district with a conditional use permit (CUP).

The City of Fremont Municipal Code does not define a transfer station. Rather, the Code has several definitions that would address the operation of a transfer station and materials recovery facility. These three use categories are …sanitary services (Section 8-21604(b)), Motor freight transportation and warehousing (Section 8-21601(c)(3)) and Wholesale trade of scrap and waste materials (Section 8-21603 (c)). Sanitary services are a Zoning administrator permit use, Motor freight transportation and warehousing is a permitted use, and finally Wholesale trade of scrap and waste materials is a conditionally permitted use. Because the transfer station/materials recovery facility operation involves more than one category of use, the most conservative interpretation of the Municipal Code was used in determining that a Conditional Use Permit is required.

The potential impacts of the Conditional Use Permit were evaluated in the Environmental Impact Report. The Conditional Use Permit will allow for appropriate conditions to ensure the use does not become a nuisance. Staff has included in the conditions of approval conditions related to traffic, routing patterns, litter, etc.

Circulation/Access Analysis: Access to the project site is from Boyce Road, an existing four-lane thoroughfare. The site currently has two driveways, one at each end of the Boyce Road frontage. The applicant is proposing to widen the northern driveway to fifty-five feet. The northern driveway will serve as the primary vehicular access point. The southern driveway, adjacent to the at-grade railroad crossing, is proposed to remain, but with median modifications, the southern driveway will be limited to only right turns into and out of the project site.

City standards for industrial driveways and the development policy for driveways, limit driveway widths to thirty-five feet, or forty feet in the case of joint-use driveways. The development policy includes a provision that allows the standards to be modified, if evidence justifies such modification as being necessary to the development and if it will not adversely affect the street carrying capacity. The developer will work with staff, during Development Organization review, to reduce the northern driveway width or the developer shall provide a plan with truck turning templates, which demonstrate that the proposed driveway width is necessary to the development.

On-site vehicle circulation is provided by a series of drive aisles. Directional signs, pavement marking, and striping are proposed to help direct on-site traffic to the various areas within the facility. Pedestrian access to the site is provided by a proposed sidewalk connection adjacent to the northern driveway. This sidewalk will connect the proposed new sidewalk on Boyce Road with new sidewalk along the northern and eastern side of the office/education center, buy-back center, and household hazardous waste areas.

As indicated on the Site Plan and Circulation Plan, there will be three separated drive aisles along the northerly boundary of the site for incoming traffic to the TS/MRF. This on-site vehicle circulation system is designed to separate vehicles according to their type and purpose, and to minimize conflicts. Passenger vehicles will be directed by on-site signage to separate parking lots for: 1) visitors and office employees and persons visiting the Household Hazardous Waste (HHW) and buy-back facilities (parking lot on the front or Boyce Road side of the lot and 2) TS/MRF employees (parking lot at the rear of the building). The employee, self haul and visitor parking circulation patterns for the HHW and buy-back facilities are indicated in orange blue and pink on the Site Circulation Plan B.

Separate lanes for waste hauling vehicles will include signage that directs loaded collection trucks and self-haul loads to the tipping floor inside the building by way of the roll-up doors on the north side of the building, and allow the long-haul trucks to back under the building from the westerly (rear) ramp. Trucks arriving at the building to haul away recycled materials will be directed to the exterior loading dock near the rear southwesterly corner of the main building. In terms of leaving the facility, loaded transfer trucks will leave the rear of the building and will be required to be routed to I-880 via Auto Mall Parkway. The circulation pattern for transfer trucks, recyclables and collection trucks is indicated in red, green and blue on Site Circulation Plan A.

The site plan shows a proposed twenty-foot wide chain link gate near the middle of the northern property line. The need for this opening between Parcel 1 and Parcel 2 of Parcel Map 7894 is unclear. The developer will work with Development Organization staff to determine if the proposed opening requires a joint-access easement or fire service easement.

Parking: The applicant proposes 140 parking spaces for the facility. The parking calculation for this use is based on Section 8-22003 (e). This section allows the Zoning Administrator (Planning Commission/City Council) to determine the number of parking spaces for a use not otherwise defined in Section 8-22003.

The Off-Street Parking Requirements in American Planning Association and Planning Advisory Service publications provide guidance on parking requirements for a recycling center. One space per employee may be considered sufficient for a recycling center use. The applicant proposes to have 115 employees in two shifts. No more than sixty percent of the employees would be at the facility at any given time. Using this calculation, the Transfer Station/Materials Recovery Facility is required to provide 69 parking spaces. This approach can be further justified with an understanding of the operation of the TS/MRF. The TS/MRF handles a large volume of material on a daily basis (approximately 1,520 tons of material). The very nature of the transfer station is the transfer of this material. Cars and trucks enter the facility with

material and then leave, or empty trucks enter the facility for waste material and then haul it to the landfill. In addition, much of the site is devoted to drive aisles which require maneuvering for large transfer trucks. This additional site space could be used to provide additional parking if the facility were ever converted to an industrial use. As such, staff recommends that the Planning Commission recommend that the number of parking spaces provided is more than adequate for the proposed facility.

Architecture: The existing building will be modified to provide a more contemporary design for the project. The existing office footprint will remain intact, but the exterior exposed aggregate tilt-up walls will be re-clad with a new EIFS (Exterior Insulated Finish System) wall that will extend beyond the height of the existing walls. EIFS is a finish that is similar to a smooth stucco finish but it has a rigid backing. Also, the overall finish is more uniform and smoother than stucco. The additional height from the new EIFS wall will be utilized to screen rooftop mechanical equipment. The proposed EIFS will have aluminum reveals and a color reveal at the canopy elevation. The EIFS color and finish will also be used on the screen walls at the south (Education Area Patio), north (Transformer Enclosure) and the west side of the Household Hazardous Waste Parking (in front of the Loading Dock).

The existing office window system and wood mansard roof will also be removed and replaced with tinted glazing and an architectural metal canopy. The canopy will provide cover over the entry area and will be used to tie the window system and adjacent EIFS together. The canopy will also extend from the east side around the corner to the south side of the office area. The canopy will be steel framed with metal inserts to provide shade and weather protection. The canopy, as well as all the other elevation metal elements, will be colored Slate Blue.

The East Elevation of the warehouse behind the office area will be repainted in a gray scheme and topped with an architectural metal wall panel to conceal the roof beyond. The metal wall panel will be a “box rib” type wall with horizontal fluting. The panel will also be used to tie both the east and west warehouse elements together.

Landscaping: The Fremont Recycling and Transfer Station will utilize a varied planting pallete to enhance the overall design of the project. The planting will be used to provide shade at the parking areas, screening along the north and west property lines and to complement the building and site improvements along the eastern portion of the site adjacent to Boyce Road.

The existing site landscaping is limited to the eastern portion of the site between the office and Boyce Road. This landscaping will be removed primarily due to the scope of the site improvements and the reorientation of circulation and parking in this area. The total landscape area of the site will be increased from approximately 25,000 square feet to 56,000 square feet. The proposed landscaping will be approximately 9.6 percent of the total site area.

The proposed trees for the site will include: Boyce Road - 15 gallon London Plane Trees (5 year height of 20 feet); North and South Property Lines - 15 gallon Afghan Pine (5 year height of 20 feet) and 15 gallon Lombardy Poplar (5 year height of 25 feet); Parking Areas - 15 gallon London Plane Trees, 15 gallon Afghan Pines, 24" box Ornamental Pears (5 year height of 20 feet); and Entry Area - 36" box Olives (5 year height of 15 feet), 24" box Ornamental Pears, and 15 gallon Purple Leaf Plums (5 year height of 15 feet).

The balance of the landscape areas will include a wide range of groundcovers and shrubs (1 to 5 gallons). The grassy/rocky swale along the north and west property lines will be planted with turf and decorative rock areas.

Street Improvements: Boyce Road is currently improved along the project frontage, except for the sidewalk. The existing street improvements were installed under Local Improvement District No. 16, an assessment district. The developer will install sidewalk along the entire Boyce Road frontage. Additionally, the existing median on Boyce Road shall be modified to prevent left-turn movements onto Boyce from the southern driveway. Median modifications are also required to allow for more queuing length for left-turn movements from Boyce into the project at the northern driveway. All improvements or other construction within Boyce Road shall be done per City standards under an encroachment permit. All existing private utilities within the Boyce Road right-of-way, including but not limited to, meters, backflow preventers, detector check valves, and fire department connections, shall be relocated onto private property as part of the encroachment permit work.

Grading/Topography: The project site is currently improved with an existing industrial warehouse, including loading docks and a railroad spur line along the southern boundary. The remainder of the site is covered primarily in pavement. Currently there is no distinguishable boundary between the project site and the adjacent parcel to the north. Parcel Map 7894 was approved in December 2001, creating the neighboring parcel (Parcel 1) and the project site (Parcel 2). Overall the project site is relatively flat, but with a gradual slope down from the Boyce Road frontage towards the southern corner.

Drainage: The existing site improvements include a storm drain system consisting of pavement graded to shed water, catch basins to collect water, and underground pipe to transport water. The site is also encumbered by a private overland storm drain release for the benefit of Parcel 1 of Parcel Map 7894, the neighboring parcel to the north. Any development on the project site must accommodate the overland runoff from the adjacent parcel.

The project proposes to improve the existing storm drain system by incorporating stormwater best management practices (BMPs). The proposed BMPs include: installation of catch basin filter inserts, which filters trash, sediment, oil, and grease; construction of grassy/rocky swales, which allow for pollutants to settle from runoff as it flows through the swale; and alternatively, the construction of a retention basin, which can use several different methods for stormwater treatment. The storm drain system, including proposed stormwater BMPs, is subject to review and approval of staff during Development Organization.

Urban Runoff Clean Water Program: The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. Adopted regulations require discharges of storm water associated with new development and construction to submit a Notice of Intent (NOI) to the State of California for activities disturbing more than one acre of land. The NOI is to include the development and implementation of a storm water pollution prevention plan emphasizing best management practices. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

FEMA Flood Zone: The southern portion of the project site is within a special flood hazard area, zone AO (depth 1-foot), as shown on the FEMA National Flood Insurance Program, Flood Insurance Rate Map (FIRM), panel 065028 0029C, revised February 9, 2000. Areas zoned AO (depth 1-foot) are subject to 100-year shallow flooding where depths are between one and three feet, but average depths are one-foot. A 100-year flood, also known as base flood, means a flood that has a one percent chance of being equaled or exceeded in any given year.

The City's Flood Damage Prevention Ordinance and the building standards of the National Flood Insurance Program (NFIP) govern development within the floodplain. Any new construction or substantial improvement of any structure in zone AO shall either: (1) have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM, or; (2) be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.

The existing building was built in the mid-1960s, before Congress created the NFIP in 1968. The City became a participating community in the NFIP in 1983. The project proposal is to retrofit an existing warehouse, including an addition of a single-story, attached maintenance building. The developer and project design team shall prepare construction documents that demonstrate conformance with local codes and the building standards of the NFIP, subject to review and approval of the City floodplain administrator (City Engineer).

Development Impact Fees: This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.

Waste Management: This project involves commercial construction and shall be subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939). The Act requires that 50% of the waste generated in the City of Fremont be diverted from landfill sites by the year 2000. In addition, the project is subject to the City's Source Reduction and Recycling Element (1992), an Integrated Waste Management Ordinance (1995), and a Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit

application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. Because the use is a transfer station and materials recovery facility, its very purpose is to implement these requirements. In addition, trash enclosures are not required for the project. Trash produced by the office use will be distributed to the solid waste and recycling portions of the facility.

Environmental Analysis: An Environmental Impact Report (EIR) has been prepared for the Revisions to the City of Fremont Waste Management System. The project identified in this EIR is to 1) have all of the City of Fremont's Municipal Solid Waste (MSW) taken to a Transfer Station and Materials Recovery Facility (TS/MRF) located at 41149 Boyce Road, instead of the TCRDF landfill; 2) to divert approximately 12 percent of incoming material received at the TS/MRF; 3) to have the remaining MSW transferred to one of two existing permitted sanitary landfills (Altamont or Forward); and to create a household hazardous waste turn-in facility that is easily available to residents and small quantity generators and is consistent with Best Management Practices for such a facility.

The Draft Environmental Impact Report evaluated the potential impacts of the project, as identified above, on the environment in terms of Land Use, Transportation, Air Quality, Noise, Hydrology, Geology and Soils, Vegetation and Wildlife, Cultural Resources, Hazards and Hazardous Materials, Utilities, Energy and Public Services. Mitigation measures were identified for potential impacts from the project to Air Quality, and Geology and Soils. The project related impacts will be reduced to a less than significant level when mitigation measures are employed.

The Draft EIR also analyzed cumulative impacts, as opposed to project related impacts. The Draft EIR identified a Significant Unavoidable Cumulative Impact related to regional air quality within both the San Francisco Bay Air Basin and the San Joaquin Valley Air Basin if the Forward Landfill scenario is implemented. This cumulative air quality impact would be due to project vehicle emissions in conjunction with other approved projects identified in the Cumulative Impacts section of the Draft EIR. There would also be a Significant Unavoidable Cumulative Impact related to regional air quality in the San Francisco Bay Air Basin if the Altamont Landfill scenario is implemented. This would also be due to project vehicle emissions in conjunction with other approved projects identified in the Cumulative Impacts section of the Draft EIR. The Draft EIR notes that all feasible mitigation measures to reduce air quality impacts will be required.

The actions to be considered by the Planning Commission are 1) recommendation on certification of the Final EIR for Revisions to the City of Fremont Waste Management System, 2) recommendation on the Conditional Use Permit for the TS/MRF, and 3) recommendation on the General Plan Amendment (Text Amendment) regarding the City of Fremont Waste Management System. The City Council will then consider these actions, as well as make a determination on the location of the sanitary landfill to receive the Municipal Solid Waste.

The Planning Commission is recommending action on the Conditional Use Permit rather than take action on the Conditional Use Permit because of the remaining items to be reviewed by the City Council. The Environmental Impact Report identifies impacts beyond the Conditional Use Permit that are within the purview of the City Council (for example, selection of a permitted landfill for solid waste disposal). The Planning Commission cannot therefore certify the EIR prior to action on the Conditional Use Permit. The Planning Commission cannot take action on the Conditional Use Permit without certifying the EIR. Therefore, the Planning Commission will make recommendations as noted above.

A statement of overriding considerations and mitigation and monitoring plan will be prepared for this project and will be reviewed by the City Council in conjunction with their review of the Final EIR.

The Draft EIR was circulated for a 45-day review period, which began on May 15, 2003 and concluded on June 30, 2003. During this review period, the City of Fremont accepted written comments on the adequacy of the document. The Fremont Planning Commission held a public hearing on June 12, 2003, to provide for the submittal of written or oral comments. Comments on the Draft EIR were submitted in writing by nine public agencies, one organization, and three individuals and businesses. Three of these comments were received after the close of the comment period. All of the comments received were provided with a response.

After the Draft EIR was circulated, modifications were made to the project design. The primary purpose of the modifications was to incrementally improve on-site circulation and the operations of the household hazardous waste and transfer station/materials recovery facility. The changes do not increase the design capacity of the proposed facilities,

change the service area or traffic patterns, or modify the materials that would be accepted, processed or transferred to a landfill. The design revisions included changes in the floor plan of the existing building and vehicle circulation, and a reduction in the amount of new construction proposed.

The City prepared responses to all comments submitted on the Draft EIR and published them in a Final EIR on September 17, 2003. The Final EIR includes Comments, Responses to the Comments and Text Modifications.

Response from Agencies and Organizations: Responses to the Draft Environmental Impact Report are contained in the Final Environmental Impact Report. The Final Environmental Impact Report includes the Comments, Responses to the Comments and Text Modifications.

Enclosures:
Exhibit "A" (Site plan, landscape plan, elevations, and floor plan)
Exhibit "B" (Findings and Conditions)
Exhibit "C" (General Plan Text Amendments)
Exhibit "D" (Renderings)

Exhibits:
Exhibit "A" (Site plan, landscape plan, elevations, and floor plan)
Exhibit "B" (Findings and Conditions)
Exhibit "C" (General Plan Text Amendments)
Exhibit "D" (Renderings)

Recommended Actions:

1. Hold public hearing.

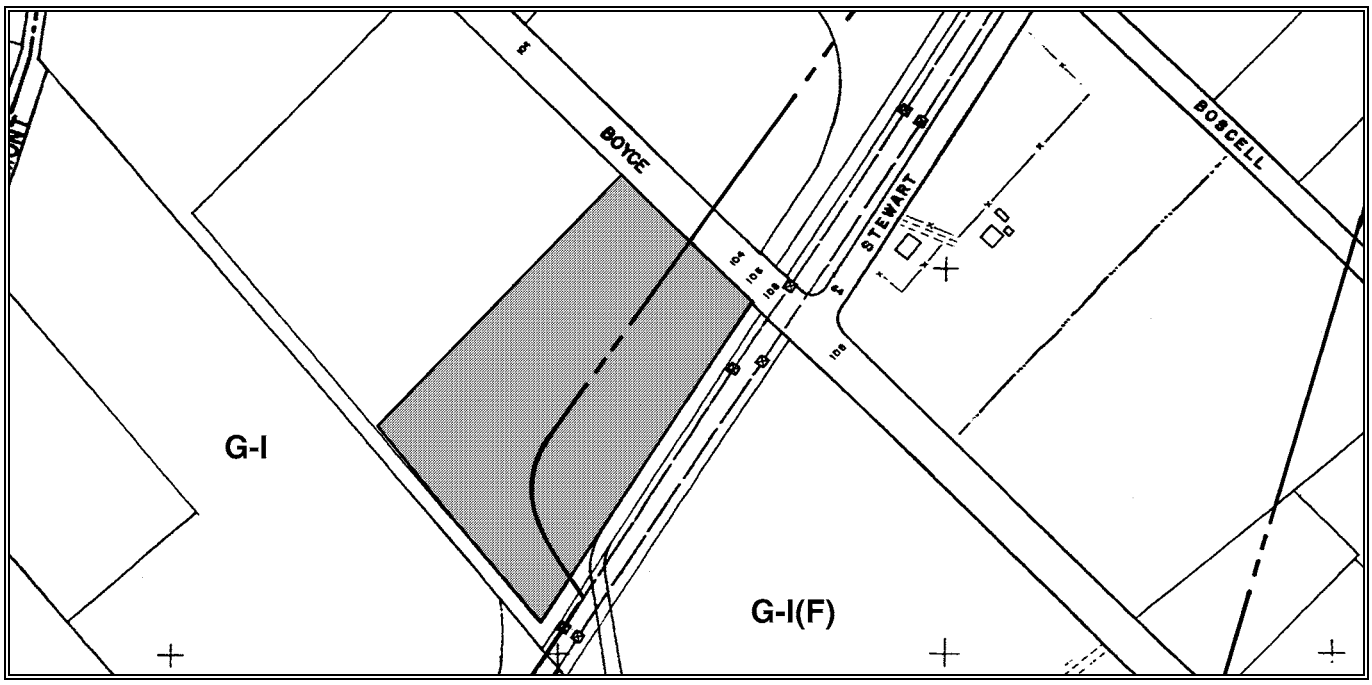
2. Recommend certification of the Final Environmental Impact Report (SCH# 2001122003, PLN2002-00150)

3. Recommend that PLN2002-00270, is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Public Facilities Chapter as enumerated within the staff report.

4. Recommend approval of PLN2002-00270, as shown on staff annotated Exhibit "A", subject to findings and conditions on Exhibit "B."

5. Recommend approval of the proposed General Plan Text Amendments (PLN2003-00270) regarding the City of Fremont Waste Management System, as shown on Exhibit "C."

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

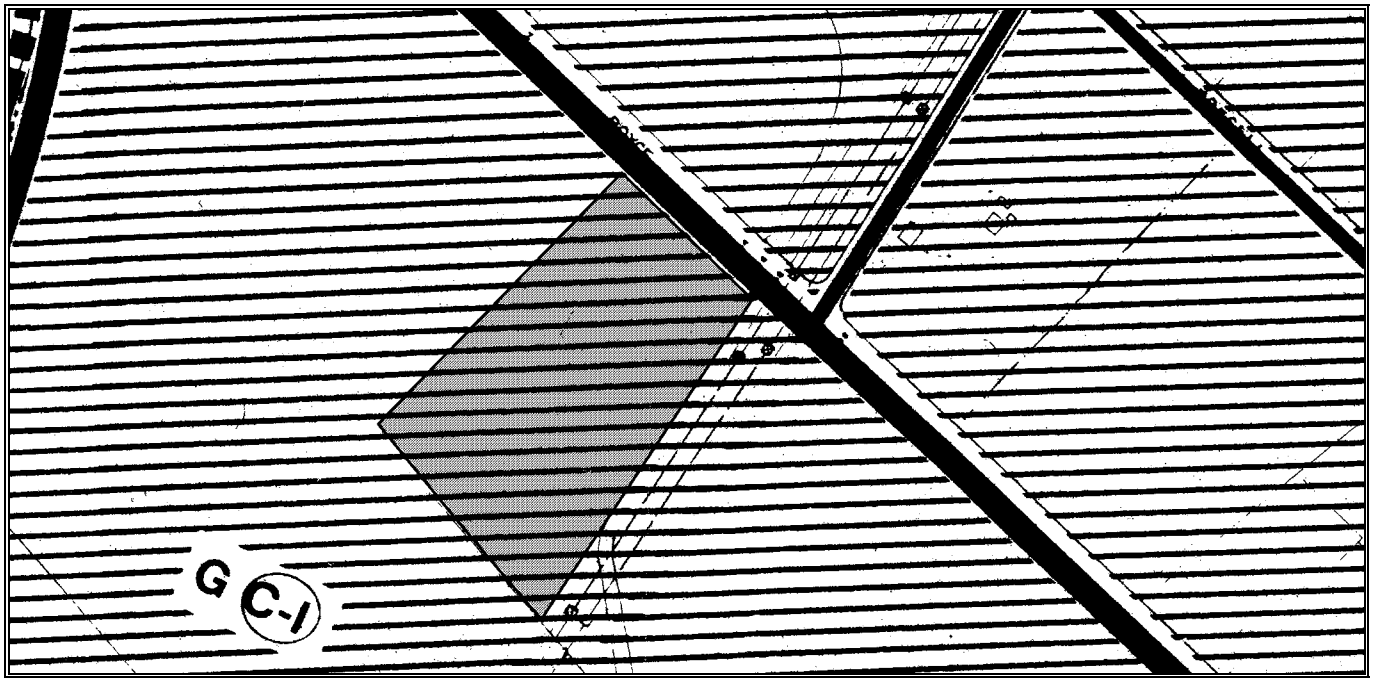


EXHIBIT "B"
Fremont Recycling & Transfer Station
(PLN2002-00270)

FINDINGS

The findings below are made on the basis of information contained in the staff report to the Planning Commission dated October 9, 2003 incorporated hereby.

1. The proposed use is consistent with the General Plan designation for the site, since the land use, a transfer station and materials recovery facility, is conditionally permitted on property designated General Industrial in the General Plan. General Plan Objective PF 4.2 in the Public Facilities chapter states the following: "Provision of a long-range solid waste disposal site." The proposed use is in conformance with the above objective because the proposed use can be served by the existing or planned roadway infrastructure and would not have a significant adverse impact on existing industrial uses in regards to parking requirements, traffic volume and other operations.

2. The site is suitable and adequate for the proposed use because the proposed design and operation conforms to ordinance requirements for the zoning district and is subject to conditions of approval that will ensure the use does not have an adverse impact on the site or the surroundings.

3. The proposed use would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or other public facilities or services because all roadway improvements adjacent to the project site have been completed or will be completed with this project. Sufficient parking is provided, points of ingress-egress are properly located, and adequate fire fighting equipment access and facilities are available.

4. The proposed use would not have a substantial adverse economic effect on nearby uses because the building is existing and the use is subject to conditions of approval.

5. The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood, or the community at large because there are no persons residing in the immediate vicinity, the facility is properly regulated with adequate parking, and is designed to limit impacts on surrounding occupants.

6. The design of the project is compatible with existing and proposed development within the district and its surroundings because the proposed use is regulated by conditions of approval to be compatible with adjacent industrial uses.

7. All public improvements or facilities required as part of this approval are directly attributable to the proposed development, and are required for reasons related to public health, safety and welfare.

CONDITIONS

1. The project shall conform with Exhibit "A" (Site Plan) and all conditions of approval set forth herein.

2. Plans shall be submitted to the Development Organization for review and approval to insure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.

3. The existing median in Boyce Road shall be modified to prohibit left-turns onto Boyce Road from the southern project driveway. Additionally, the median shall be modified to increase the northbound left-turn pocket to a minimum length of 250 feet. The developer shall work with staff during Development Organization regarding the final median design, including modification to the existing median landscaping and irrigation.

4. The applicant shall apply for and obtain an encroachment permit for all improvements within the public right-of-way. Improvements within the public right-of-way shall conform to City standards. The encroachment permit shall be obtained prior to or concurrently with issuance of the building permit.

5. All private utilities within the existing Boyce Road right-of-way, for example, meters, backflow preventers, detector check valves, and fire department connections, shall be relocated onto the project property and shall be included as part of the encroachment permit work.

6. The developer will work with staff, during Development Organization review, to reduce the northern driveway width or the developer shall provide a plan with truck turning templates, which demonstrate that the proposed driveway width is necessary to the development. The precise driveway width and location shall be subject to approval of the City Engineer prior to issuance of the encroachment permit.

7. New or retrofitted driveways shall be designed and constructed to accommodate the number and size of transfer trucks and garbage trucks entering and existing the project site. Concrete thickness at these driveways shall be twelve-inches minimum, subject to review and approval of the City Engineer prior to issuance of the encroachment permit.

8. The applicant shall submit a detailed soils report, including recommendations regarding pavement structural sections, prepared by a qualified soils engineer registered by the State of California. The soils report shall include specific recommendations for on site pavement areas that will experience repeated exposure to heavy vehicle loads.

9. Grading operations shall be in accordance with recommendations contained in the required soils report and shall be supervised by an engineer registered in the State of California to do such work.

10. The developer shall will work with Development Organization staff to determine if the proposed chain-link gate and paved access along the northern boundary, between the project site and Parcel 1 of Parcel Map 7894, requires a joint-access easement, fire service easement, or other easement/agreement.

11. The developer shall work with Development Organization staff to determine if the existing fire service easements, which benefit the parcel to the north, will require modification prior to issuance of the building permit.

12. The project plans shall be prepared in conformance with the Flood Damage Prevention Ordinance (FMC Title 8, Chapter 8) and in conformance with the building standards of the National Flood Insurance Program, subject to review and approval of the City Engineer during Development Organization.

13. The applicant shall provide hydraulic calculations and drainage maps for the proposed storm drain system before or with the Pre-Final Development Organization submittal. The calculations shall demonstrate that the storm drain system, including the proposed grassy/rocky swales and the existing drainage facilities to remain, has capacity to accommodate the runoff from this project and the overland drainage from the neighboring property to the north (Parcel 1 of Parcel Map 7894). Storm drain plans, drainage maps, and hydraulic/hydrologic calculations are subject to review and approval of staff during Development Organization review.

14. Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.

15. Proposed curb elevations for the street system shall not be less than 1.25 feet above the hydraulic grade line (design water surface) and at no point should the curb grade be below the energy grade line. On-site grades are to be a minimum of 0.75 feet above the hydraulic grade line.

16. Plans submitted to Development Organization, especially the grading and landscape plans, shall be coordinated with respect to the proposed grassy/rocky swales (bio-swales). Specifications for the bio-swales shall be submitted with the plans and shall address the design, operation, and maintenance of the bio-swales.

17. The applicant shall provide for a functional system to control erosion and siltation during and after construction subject to review and approval by the City Engineer. A separate plan shall be submitted for this purpose during Development Organization review.

18. The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

19. Prior to issuance of a building or grading permit for land disturbance greater than one acre, the developer is to provide evidence that a Notice of Intent has been filed and with the State of California Water Resources Control Board. Evidence shall include the WDID number assigned by the State. The developer is responsible for insuring that all contractors are aware of all storm water quality measures contained in the Storm Water Pollution Prevention Plan (SWPPP).

20. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on site that effectively prohibit the entry of pollutants into storm water runoff.

21. The project plans shall provide a description that indicates how the post-construction BMP's (once specific BMP's are identified) will be maintained and who will be the responsible party for operations and maintenance throughout the life of the project.

22. Prior to permit issuance, the applicant must submit "Stormwater treatment measures and impervious surface area form" that identifies the total amount of impervious surface area that will be created or replaced at the development site, and information regarding stormwater treatment measures.

23. The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.

24. The property owner is responsible for litter control and for sweeping of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged to the storm drain.

25. All on-site storm drains are to be cleaned prior to building occupancy and also be cleaned each year immediately before the beginning of the rainy season (October 15). Annual cleaning shall include inspection, maintenance, and/or replacement of catch basin filter inserts. The City Engineer may require additional cleaning.

26. A structural control, such as an oil/water separator, sand filter or other approved equal is to be installed on site to intercept spills and pretreat storm water prior to discharge to the public storm drain. The design, location, maintenance schedule and responsibility are subject to staff review and approval during Development Organization.

27. All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution.

28. All public and private storm drain inlets are to be stenciled "No Dumping – Drains to Bay" using stencils purchased from the Alameda County Urban Runoff Clean Water Program at 951 Turner Court, Hayward, California. Color and type of paint to be as approved by the City Engineer. Alternative inlet marking may be proposed by the applicant, subject to review and approval of staff during Development Organization review.

29. All washing/steam cleaning must be done at an appropriately equipped facility, which drains to the sanitary sewer or drains to an approved water treatment device. Outdoor washing must be managed in such a way that there is no discharge of soaps, solvents, cleaning agents, or other pollutants to the storm drains. Wash water that discharges to the sanitary sewer is subject to review, approval, and conditions of the Union Sanitary District. The project plans shall include specific details regarding the operation and treatment of wash water in the proposed exterior wash bay.

30. All new loading dock areas are to be designed to prevent runoff from the loading dock area. A regular program of sweeping, litter control, and spill clean up shall be implemented at all loading docks.

31. New fuel dispensing areas must be paved with Portland cement concrete, extending a minimum of 8'-0" from the face of the fuel dispenser and a minimum of 4'-0" from the nose of the pump island. Fuel dispensing areas should be graded and constructed to prevent "runon" or runoff from the area. Fuel dispensing facilities must have canopies; canopy roof

downspouts must be routed to prevent drainage flow through the fuel dispensing area. The facility must have a spill cleanup plan. The fuel dispensing area must be dry-swept regularly. Dispensing equipment must be inspected routinely for proper functioning and leak prevention.

32. All metal roofs, including galvanized metal roofs, shall be coated with rust-inhibitive paint.

33. The developer and/or contractor shall notify Underground Service Alert (U.S.A.) at 1-800-227-2600 at least two working days before beginning any excavation for this project. A prominent note shall be included in the project plans requiring the notification of U.S.A.

34. The applicant shall provide the following:

    A. Fire Hydrants.
        1) Relocate hydrant E-14 next to southern driveway/entrance.
        2) Relocate hydrant E-14 (REAR) to new landscape area to the west of its present location.
        3) 5 additional new on site hydrants are required.
            a) North side of building Landscape area in recyclables area
            b) North side of building landscape area at stop signs near parking field.
            c) South side of building 2 hydrants 1st approx. 300 feet from Boyce Rd. and the 2nd approx. 600 feet from Boyce Rd.
            d) The West side or back of building. In planter near bollards.
            e) North side of building midway between hydrants identified in 1 and 2 above.
    B. All additions, canopies or improved areas shall have Automatic Fire Extinguishing System(s). The applicant may have to redesign or change sprinkler density. All conveyors etc will required A.F.E.S protection.
    C. Because of the class commodities to be stored and the storage height the sprinkler design will be critical. Fremont spec warehouse density .66/2000 or and an Early Suppression Fast Response system is recommended.
    D. The applicant will have Hazardous (H) occupancy and S. Fire code permits are required for these as well as high piled storage.

35. Plan, specifications, equipment lists and calculations for the required sprinkler system must be submitted to the Fremont Fire Department Authority and Building Department for review and approval prior to installation. A separate plan review fee is required. Standard Required: N.F.P.A. 13.

36. The applicant shall install a wet standpipe system if the building is 3 or more stories. The system may be in combination with the fire sprinkler system

37. All Automatic Fire Suppression Systems Fire Department Connections shall have the following installed/provided

    a) Address placard installed at the connection.
    b) Knox Cap installed on every inlet.

38. Prior to installation, plans and specifications for the underground fire service line must be submitted to the Fremont Fire Authority and Building Department for review and approval. Please include cathodic protection or soils report stating why protection is not required. Standard Required: N.F.P.A. 24 and N.F.P.A 14

39. The applicant shall provide the Fremont Fire Department with a site plan/ Civil Utility Plan for approval of public and on-site fire hydrant locations.

40. The applicant shall provide all weather surface (paving) for emergency vehicle access within 150 feet of all construction or combustible storage. This access shall be provided before any construction or combustible storage will be allowed. CFC 902.2.1.

41. The applicant shall provide required fire flow (hydrants) on site prior to construction or storage of combustible materials. C.F.C 903.2 & Appendix IIIA. Fire hydrant jumper lines must be at least 6 inches in diameter. This must be completed and inspected before any construction or material storage will be allowed.

42. The applicant shall have a key box (Knox brand) located outside of building/gate and provide keys to the Fire Department so they may gain access. Vehicle gates may use Knox lock or keyed over-ride switch. Gate shall also have a infrared receiver installed. Application can be obtained at Fire Administration office, 3300 Capital Ave, Fremont.

43. The applicant shall install Fire alarm system as required. The system must be monitored. The system must be N.F.P.A. 72 compliant and have an interior audible device per the C.F.C. Upon completion a "UL" serial numbered certificate shall be provided at no cost to the City of Fremont Fire and Life Safety Inspector. Fire alarm systems devices shall be addressable and report to the Central Monitoring Station addressable

44. A driveway access serving one dwelling/structure shall have a minimum 20 foot unobstructed width driveway/access road. The access road must provide all portions of the first floor with the required 150 feet access to the rear of the building. A driveway/ access road serving two or more dwelling/structures shall have a minimum 20 foot unobstructed width. A driveway access serving three or more dwelling/structures shall have a minimum 20 foot unobstructed linear width. These driveways/access roads shall be designated as Fire Lanes. Driveway /access roads and shall meet Fire Department standards for distance, weight loads, turn radius, grades, and vertical clearance. Approved turnarounds shall be required for distances over 150 feet from public streets. Other mitigation's shall/may be required in addition to those listed. (CFC Sec. 902.2 as amended)

45. Bridges: Maximum live loads shall be clearly posted at bridge entrance(s). Minimum live load standards are as follows:. a. All public bridges = minimum 20 foot clear width and minimum 80,000 pounds live load. (UFC, Sec. 902.2.2.5)

46. Gates across Fire Department access roads shall have a minimum 15-foot clear, unobstructed linear width and a clear vertical height of 13 feet 6 inches. All locking devices shall provide for Fire Department emergency access with Knox box, lock or over –ride switch. (CFC 2000, Sec. 902.2.4 & 902.2.1.)

47. Fire Department Connections for all sprinkler system must be located not more than 100 feet from a fire hydrant. N.F.P.A 14. All inlets shall have Knox type caps installed.

48. Fire hydrant spacing requirement is 300 feet. The distance is measured as the fire engine travels on all- weather surfaces.

49. The Fremont Fire Department (FFD) has the responsibility to respond to life threatening emergencies, fires and other types of emergencies at the location you are involved with. We would like to work with you in utilizing the drawings you've created to help protect the citizens of Fremont.

    When submitting your application for a building permit we request that your plan set include a site plan, exit plan and floor plan for fire department use only. These plans should be in hard copy and digital format.

    Attached you'll find several example drawings showing what we're trying to accomplish with your help. When assisting us, you do NOT need to have architects stamped seal on any modifications you submit to the FFD Complex Card Division. Please utilize the guidelines below. If you have any questions, don't hesitate to call me at 510-791-4292 or you can e-mail me at **gfogel@ci.fremont.ca.us**

    The Site Plan should include:

    Fire Hydrants
    Fire Department Connections for wet and dry standpipes (FDC)
    Fire Sprinkler Connections (FDC)
    Automatic Sprinkler Riser (ASR)
    Post Indicator Valves (PIV)
    Fire Alarm Control Panels (FACP)
    Main Electrical and Gas Shut-offs
    Emergency Air Systems(4 stories or more)

    An Exit Plan should be included for each floor.
    A Floor Plan should be included for each floor.

Digital drawings should be formatted in DWG or DXF. In order to reduce the size of the file and keeping our goal in mind, please remove unnecessary keynotes, symbols and layers. You may e-mail me this information (**gfogel@ci.fremont.ca.us)** or send by US mail to **City of Fremont Fire Department, 3300 Capital Ave Bldg "B", P.O. Box 5006, Fremont, CA 94537-5006, Attention Captain Fogel**. If field changes are made please send "as built" plans in a hard copy, and either a CD rom or floppy disk. Please include a contact name and phone number if we need to contact you regarding your drawings.

50. The applicant must submit, prior to the issuance of building permits, a building occupancy classification inventory form or hazardous materials inventory statement (HMIS), material safety data sheets (MSDSs) and a process description for all hazardous materials to be used, stored, or handled. These must accompany the final design submittals and any subsequent tenant improvement plans. If no hazardous materials will be on-site the applicant must prepare and submit a written disclosure letter.

51. The property owner or applicant must also notify a prospective tenant that they may be required to submit, to the Fire Department, a hazardous materials inventory statement (HMIS), material safety data sheets (MSDSs) and process descriptions for all hazardous materials to be used, stored, or handled.

52. The applicant must complete a hazardous materials business plan (HMBP) pursuant to Chapter 6.95 of California's Health and Safety Code and Title 19, section 2620-2732, of California's Code of Regulations (CCR).

53. Fire Department approval of the HMBP must be received and any necessary storage or operating permit(s) secured prior to moving hazardous materials onto the site.

54. The applicant must develop a risk management program (RMP) that conforms to Chapter 6.95 of California's Health and Safety Code and Title 19, section 2620-2732, of California's Code of Regulations (CCR).

55. Applicant shall receive Fire Department approval prior to the issuance of building permits.

56. The applicant shall comply with the provisions of the permits required from any state or regional agencies, including, but not limited to, the Bay Area Air Quality Management District (BAAQMD), Regional Water Quality Control Board (RWQCB), Union Sanitary District's (USD) POTW and the Alameda County Department of Environmental Health.

57. The portion of the facility to be converted to another use, shall be free of any reported hazardous materials and properly closed with the local agency (ies), as required by California Health and Safety Code, Chapter 6.95, and as detailed in the Hazardous Materials Business Plan filed with the City of Fremont Fire Department.

58. The applicant must immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.

59. The applicant must submit a Phase 1 and/or Phase 2 environmental site assessment(s). (The Phase 2 shall be required if warranted by the results of the Phase 1 analysis.) Additional requirements, remediation and/or clearances from Alameda County Health Department, Alameda County Water District, Regional Water Control Board, Department of Toxic Substances Control, or other agencies may be established subsequent to staff's review.

60. The applicant must develop a Project Waste Handling Plan prior to any demolition or construction on the property. The Plan must be filed with the Environmental Services Division and approved prior to any demolition or construction taking place.

61. After the project is complete, the applicant must document actual salvage and diversion by filling in and returning the Post-Project Waste Disposal & Diversion report to Environmental Services.

62. The Landscape Architecture Department's goal is to screen as much of the building around the perimeter as possible. This should include landscaping at the property lines, landscaping adjacent to buildings, and landscaping in the parking lots. The following are requirements to accomplish this goal:

    a. Develop a landscape buffer along the Project South Property Line to a minimum 6'-0"width adjacent to the chain link fence.
    b. At the Project North parking lot adjacent to the building, provide a minimum 6'-0" (interior planter width) planter island in the parking lot.
    c. Provide an existing tree survey.
    d. Where large striping areas are shown, provide landscaping in these areas. Back of curb to back of curb dimension shall be a 6'-0" minimum width.
    e. All street trees shall be a minimum 24" box container.
    f. Provide vines at ornamental iron fence at street frontage.
    g. Refer to City of Fremont Landscape Development Requirements and Policies document: http://www.ci.fremont.ca.us/CityHall/Departments/Engineering.htm#landscape
    h. Tree clearances from buildings, walls, fences, fire hydrants and utilities can be found in the Landscape Development Requirements and Policies document.
    i. The frontage landscape needs to be replaced. The existing Casurina stricta are not healthy and the ivy is an eyesore. Replace the trees with 24" box large canopy trees and the ivy with ornamental shrubs, ground cover, and/or turf.
    j. A tree inventory will be needed as part of the permit process.
    k. The bottlebrush tree in the median is to be removed and replaced by a large canopy tree from a 24" box container. Irrigation will be provided to the new tree.
    l. Existing planting and replacement planting shall receive irrigation. Existing irrigation system is to be upgraded and modified.
    m. Per Engineering Department's direction, if median north of Stewart Street on Boyce road is to be realigned or reconfigured, and the existing trees are removed, (2) 24" box large canopy trees will be installed and irrigation will be provided to these trees.

63. The applicant shall provide perimeter fencing as follows: Decorative fencing with masonry components shall be provided in the front setback and wrap around both sides of the building to the wing walls. This fencing shall be planted with vines as noted in condition 62.f. above. The remainder of the north property line shall have a wall eight feet in height which shall be solid panels or masonry and shall continue around the west side of the building to approximately half of the west property line. The actual point to continue this wall shall be determined during Development Organization review. The purpose of this portion of the wall is to provide a continuation of the solid panel or masonry wall and a visual block to businesses with a viewpoint of this portion of the property. The remainder of the west side of the property and the south side of the property may have a solid fence or wall eight feet in height. If a chain-link fence is used in this location, the fence will include slats to match. The color of the fence and slats will be determined during Development Organization review.

Conditions of Approval from Mitigation and Avoidance Measures identified in the Draft and Final Environmental Impact Reports for Revisions to the City of Fremont Waste Management System:

(1) In order to minimize the impacts of additional traffic on residential developments north of Stevenson Boulevard in Newark, all operator and contractor trucks traveling to and from the TS/MRF, including transfer trucks delivering Municipal Solid Waste (MSW) to landfills and trucks hauling recyclables, must travel on Auto Mall Parkway to I-880, rather than using Stevenson Boulevard.

(2) Prior to project operation and every two years following, the project operator will provide a plan to the City of Fremont demonstrating that the heavy-duty diesel trucks being operated, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average No_x reduction such that calculated daily emissions in the San Francisco air basin and San Joaquin Valley air basin do not exceed BAAQMD or SJVUAPCD thresholds of significance, respectively. The emission calculations should utilize the latest emissions model developed by the California Air Resources Board. The plan could utilize all or some combination of the following strategies to reduce emissions:

- Vehicles shall be maintained at a level at least equal to the manufacturer's minimum recommended maintenance requirements.
- Any motor vehicle pollution control devices installed on the engine when originally built shall be in place and kept in good working order.
- The engine fuel system shall be set to, and maintained at, the manufacturer's recommended fuel supply settings.
- Retrofit existing vehicles to latest emission standards. This could be accomplished in part by participation in the Carl Moyers program, which provides financial incentives for up-grading vehicles to higher emission standards at the time of engine re-build. Beginning in summer 1999, grants became available through participating air pollution control and air quality management districts grants.
- Accelerate replacement of older vehicles with vehicles meeting initially the 2004 standards for heavy-duty diesels, and vehicles meeting the 2007 standards in later years. Trucks meeting the 2004 standards would generate roughly 50 percent less No_x than current-year models and 66 percent less No_x than a 1990 model diesel truck. Vehicles meeting the model year 2007 standards would generate 90 percent less No_x than those meeting the 2004 standards.
- Purchase alternatively fueled vehicles.
- Increase waste diversion in order to reduce trips necessary to haul Municipal Solid Waste (MSW) to the landfill.

(3) The project will implement all methods recommended by BAAQMD to control construction dust:

- Water all active construction areas at least twice daily
- Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- Cover all truck hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved areas at the construction site.
- Sweep daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction site.
- Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.

(4) All proposed buildings will be constructed in accordance with Uniform Building Code requirements for seismic risk Level 4. A level 4 criterion allows structures to resist minor earthquakes without damage, moderate earthquakes with some nonstructural damage, and major earthquakes without collapse.

(5) Sub-surface soils will be tested and evaluated for potential liquefaction during seismic shaking prior to final project design to determine the need for special foundations or other design restrictions. These tests and the appropriate analyses and evaluations can and will be performed in conjunction with the site-specific foundation studies recommended under soils mitigations/conditions below.

(6) All foundation systems shall be designed to resist soil expansion and/or local subsidence due to soil desiccation or seismically induced settlement, based upon soil sampling and testing programs prepared for each building area within the site. Specific foundation design criteria shall reflect soil properties, site grading, and building characteristics.

(7) Conventional foundations systems shall provide footings below the zone of seasonal moisture change. These foundation systems will also be continuous and tied together in such a manner that they respond to ground shaking as a unit.

(8) The applicant, BLT, shall secure all required permits and approvals from other regional and state agencies. Conformance with relevant laws and regulations, including State Minimum Standards for MRF/Transfer Station Operations and Facilities, will be overseen by the Local Enforcement Authority and the California Integrated

Waste Management Board.

(9) To ensure that quantities of litter do not increase above existing conditions, photodocumentation will be prepared of existing conditions on Stevenson Boulevard and Cherry Avenue.

(10) The current practice at the TCRDF is to levy a surcharge on uncovered loads. That practice will be continued at the proposed TS/MRF, to minimize undesirable impacts associated with the transport of uncovered loads on public streets.

(11) The project shall comply with the NPDES General Construction Activity Storm Water Permit administered by the Regional Water Quality Control Board. Prior to construction grading for the proposed land uses, the applicant shall file a "Notice of Intent" (NOI) to comply with the General Permit and to prepare a Storm Water Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. The following measures would be included in the SWPPP:

- Preclude non-storm water discharges to the storm water system.
- Effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.
- Coverage of soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff.
- Perform monitoring of discharges to the storm water system.

(12) The project shall submit a copy of the draft SWPPP to the City of Fremont Division of Environmental Services for review and approval prior to construction of the project. The certified SWPPP will be posted at the project site and will be updated to reflect current site conditions.

(13) When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the Regional Water Quality Control Board and the City of Fremont Division of Environmental Services. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction storm water management plan is in place as described in the SWPPP for the site.

(14) The project shall comply with the City of Fremont Grading Ordinance Ordinance, including erosion- and dust-control during site preparation and with the City of Fremont zoning ordinance requirement for keeping adjacent streets free of dirt and mud during construction. The following specific measures would be implemented to prevent storm water pollution and minimize potential sedimentation during construction.

- Restricting grading to the dry season or meet City requirements for grading during the rainy season;
- Using Best Management Practices to retain sediment on the project site;
- Providing temporary cover of disturbed surfaces to help control erosion during construction;
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed

(15) The project design shall include features to minimize nonpoint source pollutants from entering the storm drain system. Such features shall include placement of effective, sediment control features, such as fiber rolls, along the edge of the riparian corridor or project boundary nearest the corridor during construction. Post construction runoff shall be controlled by vegetated swales and/or inlet filters.

(16) As part of the mitigation for post-construction runoff impacts addressed in the SWPPP, the project will implement regular maintenance activities (i.e., sweeping, maintaining swales, cleaning storm water inlet filters, litter control) at the site to prevent soil, grease, and litter from accumulating on the project site and contaminating surface runoff. Storm water catch basins will be stenciled to discourage illegal dumping.

(17) The TS/MRF facility operator will obtain permits from and submit to inspections by the Fremont Fire Department for both the main TS/MRF building and operation of the household hazardous waste turn-in facility to ensure compliance with relevant local, state and federal regulations regarding industrial operations, as well as the management of hazardous materials.

(18) The proposed TS/MRF operator shall provide and implement a system for training workers and providing them with informational reminders on the most appropriate ways of avoiding risk and injury from on-site activities.

(19) Final project design will incorporate, to the extent feasible, the following features: fluorescent lights, solar panels, water recycling (i.e., in the vehicle wash bay), and the use of building materials and furnishings made from recycled materials.